

EV 306395905 US

~~Appl. No. 10/086,484~~

~~Amendment dated December 3, 2003~~

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 10118.00011

In the Application of:

Serial No. 10/086,484

Filed: March 1, 2002

For: Self-Harde

For: Self-Hardening Calcium Phosphate) 1755
Materials With High Resistance To)
Fracture, Controlled Strength Histories)
And Tailored Macropore Formation Rates)

Examiner:
Paul D. Marcantoni

Art Unit:
1755

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT IN RESPONSE TO OFFICE ACTION DATED SEPTEMBER 3, 2003

Sir:

This is in response to the Official Action of September 3, 2003.

Amendments to the Claims are reflected in the listing of claims which begin on page 2 of this paper.

Remarks begin on page 9 of this paper.

12/05/2003 SPINETRI 00000059 190733 10086484

01 FC:22E02 54.00 DA
02 FC:22E01 43.00 DA

Banner & Witcoff, Ltd.
Ten South Wacker Drive
Chicago, Illinois 60606
(312) 463-5000

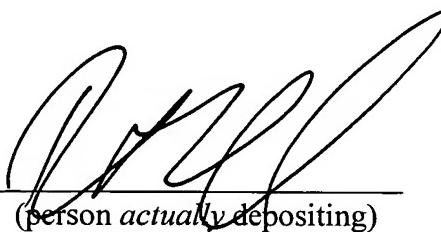


CERTIFICATE OF MAILING BY EXPRESS MAIL
(Attorney Docket No. 11229.00015)

Express Mail No. EV 306395905 US

Deposited: December 3, 2003

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated above and is addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 
(person *actually* depositing)

In the Application of: Hockin Xu, et al.

Serial Number: 10/086,484

Filing Date: March 1, 2002

Title: Self-Hardening Calcium Phosphate Materials With High Resistance to Fracture, Controlled Strength Histories And Tailored Macropore Formation Rates

- Transmittal Form (1 page)
- Fee Transmittal for FY 2004 (1 page; in duplicate)
- Amendment in Response to Official Action Mailed September 3, 2003 (11 pages)
- Return Receipt Postcard (1 page)

Attorney Docket No.: 10118.00011

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

- Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 97)

Complete if Known	
Application Number	10/086,484
Filing Date	March 1, 2002
First Named Inventor	Hockin Xu
Examiner Name	Paul D. Marcantoni
Art Unit	1755
Attorney Docket No.	10118.00011

METHOD OF PAYMENT (check all that apply)

- Check Credit card Money Other None
Order

 Deposit Account:

Deposit Account Number 19-0733

Deposit Account Name Banner & Witcoff, LTD.

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1001	2001	385	Utility filing fee
1002	2002	170	Design filing fee
1003	2003	265	Plant filing fee
1004	2004	385	Reissue filing fee
1005	2005	80	Provisional filing fee

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
6	6	9	54
Independent Claims	1	43	43
Multiple Dependent		X	0

Large Entity Small Entity

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	Fee (\$)
1202	2202	9
1201	2201	43
1203	2203	145
1204	2204	43
1205	2205	9

SUBTOTAL (2)

(\$ 97)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1051	2051	65	SurchARGE - late filing fee or oath
1052	2052	25	SurchARGE - late provisional filing fee or cover sheet.
1053	1053	130	Non-English specification
1812	1812	2,520	For filing a request for reexamination
1804	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1805	1,840*	Requesting publication of SIR after Examiner action
1251	2251	55	Extension for reply within first month
1252	2252	210	Extension for reply within second month
1253	2253	475	Extension for reply within third month
1254	2254	740	Extension for reply within fourth month
1255	2255	1,005	Extension for reply within fifth month
1401	2401	165	Notice of Appeal
1402	2402	165	Filing a brief in support of an appeal
1403	2403	145	Request for oral hearing
1451	1451	1,510	Petition to institute a public use proceeding
1452	2452	55	Petition to revive - unavoidable
1453	2453	665	Petition to revive - unintentional
1501	2501	665	Utility issue fee (or reissue)
1502	2502	240	Design issue fee
1503	2503	320	Plant issue fee
1460	1460	130	Petitions to the Commissioner
1807	1807	50	Processing fee under 37 CFR 1.17 (q)
1806	1806	180	Submission of Information Disclosure Stmt
8021	8021	40	Recording each patent assignment per property (times number of properties)
1809	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))
1801	2801	385	Request for Continued Examination (RCE)
1802	1802	900	Request for expedited examination of a design application

Other fee (specify) _____

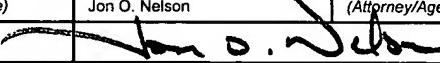
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 0)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Jon O. Nelson	Registration No. (Attorney/Agent)	24,566	Telephone	312.463.5000
Signature				Date	December 3, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/086,484
		Filing Date	March 1, 2002
		First Named Inventor	Hockin Xu
		Group Art Unit	1755
		Examiner Name	Paul D. Marcantoni
Total Number of Pages in This Submission		Attorney Docket Number	10118.00011

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input checked="" type="checkbox"/> Terminal Disclaimer	Certificate of Mailing by Express Mail Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Express Mail No. EV 306395905 US	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jon O. Nelson
Signature	
Date	December 3, 2003

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